

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

8 || YASIR MEHMOOD,

Petitioner,

2:15-cv-01739-GMN-CWH

10 | VS.

ORDER

11 || JUDGE BRENNAN, *et al.*,

Respondents.

15 This action is a petition for writ of habeas corpus by Yasir Mehmood, who is apparently
16 incarcerated at the Nevada Southern Detention Center, in Pahrump, Nevada, awaiting a criminal trial
17 in the United States District Court for the Eastern District of California. The court granted
18 Mehmood leave to proceed *in forma pauperis*, but dismissed the action pursuant to Rule 4 of the
19 Rules Governing Section 2254 Cases in the United States District Courts, ruling that Mehmood's
20 habeas petition is frivolous in that it plainly does not state a claim upon which habeas relief could be
21 granted by this court. *See* Order entered September 24, 2015 (ECF No. 2). Judgment was entered on
22 September 24, 2015 (ECF No. 4).

23 On October 15, 2015, Mehmood filed a notice of appeal (ECF No. 5), and a motion to
24 proceed *in forma pauperis* on appeal (ECF No. 6).

25 "An appeal may not be taken *in forma pauperis* if the trial court certifies in writing that it is
26 not taken in good faith." 28 U.S.C. § 1915(a)(3); *see also* Fed. R. App. P. 24. The good faith

1 requirement for *in forma pauperis* status on appeal is satisfied if the appellant seeks review of an
2 issue that is not frivolous. *See Gardner v. Pogue*, 558 F.2d 548, 550-51 (9th Cir.1977) (citing
3 *Coppedge v. United States*, 369 U.S. 438, 445 (1962)) (quotation marks omitted); *see also Hooker v.*
4 *American Airlines*, 302 F.3d 1091, 1092 (9th Cir.2002) (if at least one issue or claim is
5 non-frivolous, the appeal may proceed *in forma pauperis*). An action is frivolous “where it lacks an
6 arguable basis either in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989).

7 For the reasons stated in the order entered on September 24, 2015 (ECF No. 2), Mehmood’s
8 habeas corpus petition is frivolous.

9 **IT IS THEREFORE ORDERED** that this court certifies, pursuant to 28 U.S.C.
10 § 1915(a)(3) and Fed. R. App. P. 24, that this appeal is not taken in good faith.

11 **IT IS FURTHER ORDERED** that the petitioner’s Motion to Proceed *in Forma Pauperis*
12 on Appeal (ECF No. 6) is **DENIED**.

13
14 Dated this 19 day of October, 2015.

15
16
17
18
19
20
21
22
23
24
25
26


UNITED STATES DISTRICT JUDGE